

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MARCO AURELIO DELEON,	:	MOTION TO VACATE
	:	28 U.S.C. § 2255
Movant,	:	CRIMINAL ACTION NO.
vs.	:	1:05-CR-0477-CC-GGB-10
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
	:	1:12-CV-2813-CC-GGB
Respondent.	:	

**ORDER**

This matter is before the Court on the Final Report and Recommendation [Doc. No. 1641] (the “R&R”) issued by Magistrate Judge Gerrilyn G. Brill on January 14, 2013, recommending that Movant Marco Aurelio DeLeon’s motion to vacate sentence be denied and that the Court likewise deny the issuance of a certificate of appealability. The record reflects that no objections to the R&R have been filed and that the time period permitted for filing any such objections has elapsed.

Having conducted a plain error review of the R&R in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the R&R is correct both in fact and in law. Accordingly, the Court **ADOPTS** the R&R as the opinion of this Court and hereby **ORDERS** that Movant Marco Aurelio DeLeon’s motion to vacate sentence is **DENIED**. Further, insofar as reasonable jurists would not find debatable or wrong the determination that Movant’s claims are time-barred, no certificate of appealability shall issue.

SO ORDERED this 21st day of February, 2013.

s/ CLARENCE COOPER

CLARENCE COOPER  
SENIOR UNITED STATES DISTRICT JUDGE